

REMARKS

This paper is responsive to the Office Action dated October 4, 2005 ("Office Action").

Claims 1-228 are pending in the application.

Claims 1-5, 9, 20-24, 28, 39-43, 47, 58-62, 66, 77-79, 115-117, 153-155 and 191-193 stand rejected.

Claims 6-8, 10-19, 25-27, 29-38, 44-46, 48-57, 63-65, 67-76, 80-114, 118-152, 156-190 and 194-228 are under objection.

Claims 21 and 24 have been amended.

No claims have been added or canceled. Accordingly, claims 1-228 remain pending.

Claims 1-5, 9, 20-24, 28, 39-43, 47, 58-62, 66, 77-79, 115-117, 153-155 and 191-193 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,993,015 issued to Fite, Jr. ("*Fite*"). While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has elected to traverse the rejections as follows. The following arguments are made without prejudice to Applicant's right to establish, for example in a continuing application, that the cited references does not qualify as prior art with respect to an invention embodiment currently or subsequently claimed. In view of the following remarks, Applicant respectfully submits that the pending claims are allowable.

Formal Matters

The specification has been amended to correct an obvious typographical error. Support for the amendment may be found, for example, in the Specification as originally filed, in the context of the discussion with reference to FIG. 3. Claims 21 and 24 have been amended to correct obvious typographical errors. The amendments add no new matter.

Claim Objection

Claims 21 and 24 are under objection because of informalities. Applicant has amended the claims to correct the informalities and respectfully requests that objections to claims 21 and 24 be withdrawn.

Allowable Subject Matter

Applicant expresses gratitude to the Examiner for the indication that claims 6-8, 10-19, 25-27, 29-38, 44-46, 48-57, 63-65, 67-76, 80-114, 118-152, 156-190 and 194-228 present allowable subject matter and that the claims would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. At this time, Applicant wishes to maintain these claims in dependent form in view of the following remarks regarding the allowability of the corresponding base claims.

Rejection of Claims under 35 U.S.C. §102

Claims 1-5, 9, 20-24, 28, 39-43, 47, 58-62, 66, 77-79, 115-117, 153-155 and 191-193 stand rejected under § 102(b) as being anticipated by *Fite*. Applicants respectfully submit that the claims are allowable because the cited art does not disclose each limitation of the pending claims.

As a first example, Applicant's independent claim 1 recites:

1. A method of communicating information regarding a failure comprising:
generating failure information, wherein
 said failure affects a virtual path,
 said virtual path is between a first node and a second node,
 a first zone comprises said first node, and
 a second zone comprises said second node.

(Emphasis added.)

Applicant respectfully submits that, among others, the limitations “wherein . . . a **first zone comprises said first node**” and “**a second zone comprises said second node**” are not disclosed in the cited art.

Fite relates to packet transmission systems and/or networks and, more particularly, to automatic recovery from faults in the system and/or network. *Fite* at col. 1, lines 10-14. In relation to the above-noted limitations, the Office Action cites the following section of *Fite*.

When the fault occurs, the primary virtual circuit is disrupted along the primary path between node 101-1 and node 101-N. Upon detecting the fault, each of nodes 101-3 and 101-4 determines that a particular virtual circuit, among others, is affected by the fault. Node 101-3 generates a fault indication message and supplies it as an output on the affected virtual circuit to node 101-2. In this example, the fault indication message is a LAPD frame (FIGS. 10 and 11) using a XID format (See CCITT Recommendation Q.921, pages 42-48, and a Committee T1 Contribution, "Explicit Congestion avoidance indication as part of Link Layer management", T1S1.1-89/339, T1S1.2-89/240, July 17-19, 1989, pages 1-14 for an explanation of the LAPD frame and XID format).

Id. at col. 3, lines 30-44.

The cited section of *Fite* does not describe a first zone that comprises a first node or a second zone that comprises a second node. Rather, this cited material describes the initial response to a fault in a transmission system and/or network. *Id.*; *id.* at col. 2, lines 28-66. The transmission system and/or network may be seen in FIG. 1 of *Fite*, reproduced below.

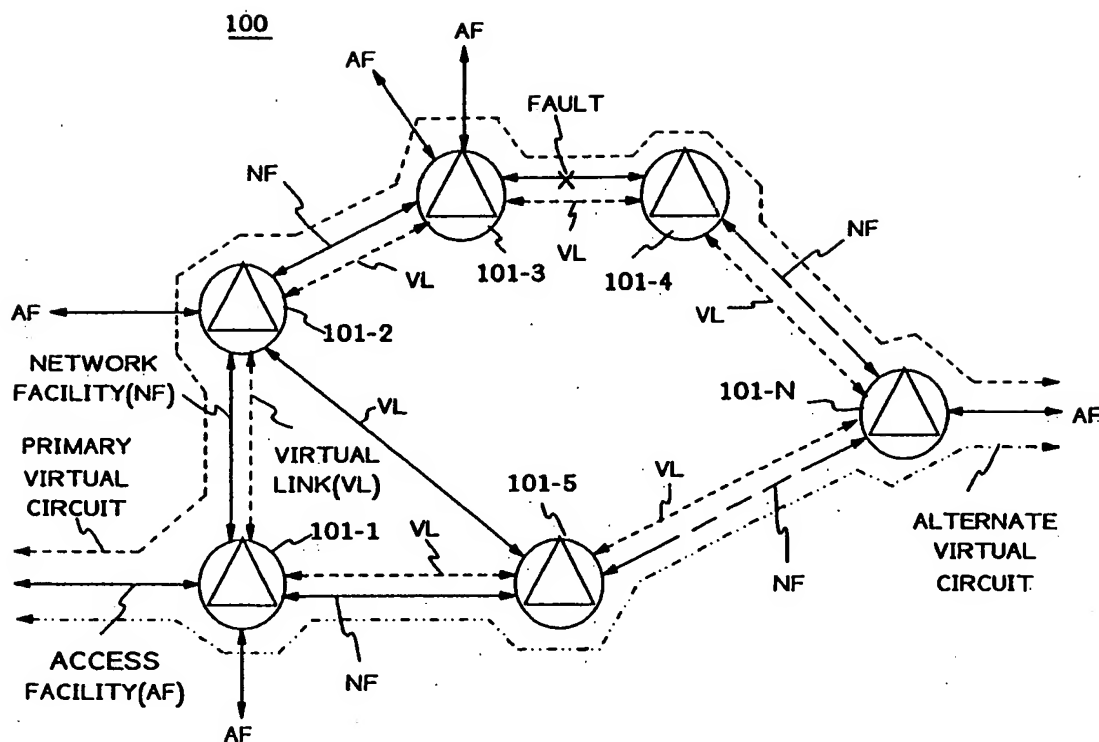


FIG. 1 of *Fite*

The *Fite* transmission system and/or network includes a plurality of nodes 101-1 through 101-N that are connected by network facilities (NFs) and access facilities (AFs). Network facilities carry virtual links (VLs) between nodes inside the network. Some of the nodes are identical and some are not. Various formats or protocols may be used in the *Fite* transmission system and/or network. *Id.* at col. 2, lines 28-66.

The *Fite* system is not subdivided into zones. Responses to faults in the *Fite* system do not utilize zones or distinguish among nodes in different zones. Rather, the *Fite* system is a monolithic network, without subdivisions or zones in the network.

In contrast, Applicant's claimed invention as set forth in claim 1 includes limitations of generating failure information wherein the failure affects a virtual path between a first node and a second node. A first zone comprises the first node and a second zone comprises the second

node. The fact that the first and second nodes are in different zones opens a wide array of possible advantages and features that are not taught, nor even comprehended, by *Fite*.

Various advantages and features may be realized depending on the specific implementations of Applicant's claimed invention. For example, one implementation of the invention may allow inter-zone failures to be restored without relying on the flooding or broadcasting of packets between zones—only within zones (i.e., intra-zone). This procedure makes use of zoning information that describes the connectivity among different zones (stored for example in a topology database of a backbone zone, e.g., the topology of "Zone 0"). Specification at 7. The advantage taught in this implementation of the invention stands in contrast to the teachings of *Fite*.

In *Fite*, procedures for responding to a fault indication message include operations of nodes 101-2, 101-1, 101-5, and 101-N, which are connected in series to the nodes with a faulty link (101-3 and 101-4). *Id.* at col. 3, line 51—col. 4, line 7. The discussion of these procedures in *Fite* makes clear that connections among these nodes are not distinguished or otherwise recognized as being inter-zone links. In *Fite*, a recovery is thus accomplished among these nodes without any regard to inter-zone links. Since the *Fite* system does not recognize inter-zone links, the *Fite* system is incapable of avoiding flooding or otherwise protecting inter-zone links. *Fite* does not disclose a first zone that comprises a first node and a second zone that comprises a second node.

Independent claim 1 and all claims dependent therefrom are therefore allowable under § 102(b). At least for similar reasons, independent claims 20, 39, 58, 77, 115, 153, and 191 and all claims dependent therefrom are also allowable under § 102(b).

As a second example, Applicant's claim 2 (which depends on independent claim 1) includes a limitation wherein **the failure information comprises a zone identifier**. This limitation is not taught, described, or suggested in *Fite*, since *Fite* does not discuss the zoning of a network, and further does not discuss the use of zone identifiers.

With regard to this limitation, the Office Action cites only block 404 of FIG. 4 in *Fite*. Applicant respectfully submits that the particular parts of the cited references that the Office Action has relied upon have not been designated as nearly as practicable, and the pertinence of each reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). Nevertheless, Applicant makes every effort to respond to the rejections outlined in the Office Action.

FIG. 4 in *Fite* presents a flow chart showing a sequence of operations effected in a fault indication message receiver. In this flow chart, block 404 determines the virtual link identification corresponding to an obtained fault indication message. *Fite* at col. 6, lines 57-66. The Office Action appears to be equating the virtual link identification in *Fite* with the zone identifier of Applicant's claim 2. Applicant respectfully submits this understanding misapprehends the cited art.

In *Fite*, a virtual link is carried by network facilities between nodes inside the network. *Fite* at col. 2, lines 36-37. A virtual link in *Fite* is therefore a link between nodes. In contrast, a zone in the present application is a smaller logical group of nodes in a network. A network may be divided into zones to limit the size of a topology database and the scope of broadcast packets in the network. Specification at 5. A comparison of the *Fite* virtual links and the Applicant's zones is inapposite: the former defines a communication path in a network, while the latter relates to a grouping of nodes in a network. The identification of a virtual link in *Fite* is

therefore not a zone identifier as indicated in Applicant's claim 2. Further, Applicant sees no other aspect of *Fite* that discloses a zone identifier.

The cited art therefore does not disclose this limitation of Applicant's claim 2.

Accordingly, dependent claim 2 is also allowable under § 102(b). At least for similar reasons, claims 3, 21, 22, 40, 41, 59, 60, 78-82, 116-120, 154-158, and 192-196 are also allowable under § 102(b).

For the above reasons, Applicant respectfully requests that the pending claims are allowable and that rejections under § 102(b) be withdrawn.

CONCLUSION

Applicant submits that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on 2006 Feb 3.

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2006 Feb 3
Date of Signature

Respectfully submitted,

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